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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,325	12/26/2001	Akira Matsumoto	791_181	3228
25191	7590	08/05/2005	EXAMINER	
Burr & Brown PO BOX 7068 SYRACUSE, NY 13261-7068			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,325

Applicant(s)

MATSUMOTO ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/23/05 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2-6 and 20-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitations "at least an external exposed surface of....a material that can be stripped....without damaging the polarization-maintaining fibers" in claim 21 are deemed new matter. The specification, as originally filed, does not provide support for the invention as is now claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-6 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichiki et al. (JP 05-303027; refer to the computer translation).

Regarding claim 21, Ichiki et al. discloses a ribboned polarization-maintaining fiber comprising a plurality of polarization-maintaining fibers (Fig. 3, # 41) and a ribbon portion having first and second lateral ends (Fig. 3, #60), and inherently a length of 2 to 300 mm surrounding at least some of the polarization-maintaining fibers since slot 50 shown in Fig. 3 has a width of 0.7 mm (see paragraph 0022, lines 7-9), the polarization-maintaining fibers extending individually from the second lateral end of the ribbon portion (Fig. 3, #41), wherein at least an external exposed surface of the ribbon portion comprises a material that can be stripped to expose the polarization maintaining fibers without damaging the polarization-maintaining fibers (Fig. 3, #42). Regarding claim 22, at least some of the polarization-maintaining fibers also extend from the first lateral end of the ribbon portion (Fig. 3, #41). Regarding claim 2, the ribbon portion is one formed by fixing and coating the polarization-maintaining fibers with an adhesive, and aligning end faces of the polarization-maintaining fibers which are used at least as a signal so as to become a predetermined plane of polarization (Fig. 3, #60 and also see paragraph 0023). Regarding claims 3-6, the ribbon portion further comprises positioning means for maintaining alignment of the polarization-maintaining fibers wherein the positioning means

is formed as a series of convex and concave shapes disposed at a regular pitch and formed as a saw tooth shape (Fig. 3, #30). Regarding claim 20, note a polarization-maintaining optical fiber array made up of the ribboned polarization-maintaining fibers (see paragraph 0001).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiki et al. (JP 05-303027; refer to computer translation).

Regarding claim 21, Ichiki et al. discloses a ribboned polarization-maintaining fiber comprising a plurality of polarization-maintaining fibers (Fig. 3, # 41) and a ribbon portion having first and second lateral ends (Fig. 3, #60), the polarization-maintaining fibers extending individually from the second lateral end of the ribbon portion (Fig. 3, #41), wherein at least an external exposed surface of the ribbon portion comprises a material that can be stripped to expose the polarization maintaining fibers without damaging the polarization-maintaining fibers (Fig. 3, #42). However, Ichiki et al. fails to teach the ribbon portion having a length of 2 to 300 mm. Ichiki et al., however, does teach slot 50 (shown in Fig. 3) having a width of 0.7 mm (see paragraph 0022, lines 7-9). Therefore, the optimum range for the length of the ribbon portion would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Thus, it would have been obvious to one of ordinary

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skill in the art at the time the applicants invention was made to have provided the ribbon portion in Ichiki et al. with a length of 2 to 300 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*.

Regarding claim 22, at least some of the polarization-maintaining fibers also extend from the first lateral end of the ribbon portion (Fig. 3, #41). Regarding claim 2, the ribbon portion is one formed by fixing and coating the polarization-maintaining fibers with an adhesive, and aligning end faces of the polarization-maintaining fibers which are used at least as a signal so as to become a predetermined plane of polarization (Fig. 3, #60 and also see paragraph 0023). Regarding claims 3-6, the ribbon portion further comprises positioning means for maintaining alignment of the polarization-maintaining fibers wherein the positioning means is formed as a series of convex and concave shapes disposed at a regular pitch and formed as a saw tooth shape (Fig. 3, #30). Regarding claim 20, note a polarization-maintaining optical fiber array made up of the ribboned polarization-maintaining fibers (see paragraph 0001).

Response to Arguments

8. Applicant's arguments with respect to claims 2-6 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine A. Simone
Examiner
Art Unit 1772
July 28, 2005



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/3/05